

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

REBECCA ANN DOUBERLY-)
GORMAN as Surviving Spouse of)
ROBERT GREGORY GORMAN,)
deceased, and as Administrator of the)
Estate of ROBERT GREGORY)
GORMAN, Deceased,)

Plaintiff,)

vs.)

QFS TRANSPORTATION, LLC,)
ADONAI FAMILY ENTERPRISES,)
LLC, JOSE RODRIGUEZ)
TELLADO, AMTRUST NORTH)
AMERICA, INC., ATLANTIC)
SPECIALTY INSURANCE)
COMPANY and WESCO)
INSURANCE COMPANY,)

Defendants.)

CIVIL ACTION NO. : 4:21-cv-142

PETITION FOR REMOVAL

COME NOW QFS TRANSPORTATION, LLC (“QFS”), AMTRUST
NORTH AMERICA, INC. (“Amtrust”), and WESCO INSURANCE COMPANY
 (“Wesco”), Petitioners and Defendants, who petition the Court as follows:

1.

Plaintiffs filed their civil action for negligence and/or direct action against the Petitioners in the State Court of Chatham County, State of Georgia, Civil Action No. STCV21-00602, in which they seek to recover in excess of \$75,000 excluding interest and costs (the “Action”). Copies of the pleadings filed in that action are attached as follows:

Exhibit A - Summons and Complaint

Exhibit B – Plaintiffs’ Discovery to Defendant Wesco

Exhibit C – Plaintiffs’ Discovery to Defendant Amtrust

Exhibit D – Plaintiffs’ Discovery to Defendant QFS

Exhibit E – Plaintiffs’ Discovery to Defendant Jose Tellado

Exhibit F – Plaintiffs’ Discovery to Defendant Adonai Family Enterprises, LLC (“Adonais”)

Exhibit G – Plaintiffs’ Discovery to Defendant Atlantic Specialty Insurance Company (“Atlantic”)

Exhibit H – Defendants’ Discovery to Plaintiff;

Exhibit I – Defendant Wesco’s Answer

Exhibit J – Defendant Amtrust’s Answer

Exhibit K – Defendant QFS’s Answer

Exhibit L – Defendant Jose Tellado’s Answer

Exhibit M – Defendant Adonai’s Answer

Exhibit N – Defendant’s Discovery to Plaintiffs

Exhibit O – Proofs of Service on Wesco, Amtrust and QFS

Exhibit P – Defendants’ Jury Demand

Exhibit Q – Stipulation for Atlantic’s Extension of Time to Answer

Exhibit R – Notice of Appearance of Craig White

Exhibit S – Defendants’ Motion to File Amended Answer in order to
Withdraw Admissions

Exhibit T – Defendants’ Notice of Removal

2.

At the time the Action was filed and now as it is removed, Plaintiff, in each capacity, was a citizen of the State of Georgia living in Richmond Hill, Bryan County, Georgia. *See Complaint*, at ¶ 2.

3.

At the time the Action was filed and now as it is removed, QFS was a limited liability company formed and organized under the laws of the State of

Nevada with its principal place of business and central nerve center located at 1224 Belleview Drive, Greendale, Dearborn County, Indiana. It maintains a satellite office in Chatham County, Georgia. QFS has two members: (1) Kevin Bernhardt, who resides in Montgomery, Hamilton County, Ohio and is a citizen of the State of Ohio and (2) Todd Hammerstrom, who resides in Dearborn County, Indiana and is a citizen of the State of Indiana. QFS is not a Georgia corporation or company as set forth in its Answer. *See* Defendant QFS's Motion for Withdrawal of erroneously filed admissions in this action.

4.

At the time the action was filed and now as it is removed, Adonais, a for-profit limited liability company formed and organized under the laws of the State of Florida with its principal place of business at 838 Mendoza Drive, Kissimmee, Osceola County, Florida and was a citizen of the State of Florida. It has two members, Emma Rivera and Defendant Jose Tellado, both of whom live at the same address and are citizens of the State of Florida.

5.

At the time the Action was filed and now as it is removed, defendant Wesco, a business corporation organized under the laws of the State of Delaware with its

principal place of business (i.e., its nerve center) at 59 Maiden Lane, 43rd Floor, New York, New York 10038, was a citizen of the State of New York.

6.

At the time the Action was filed and now as it is removed, defendant Amtrust, a business corporation organized under the laws of the State of Delaware with its principal place of business (i.e., its nerve center) at 59 Maiden Lane, New York 10038, was a citizen of the State of New York.

7.

At the time the Action was filed and now as it is removed, defendant Atlantic, a business corporation organized under the laws of the State of New York and its principal place of business (i.e., its nerve center) at 605 Hwy 169 North, Ste 800, Plymouth, Hennepin County, Minnesota, was a citizen of the State of Minnesota.

8.

The wreck involving three vehicles and the alleged negligence which give rise to Plaintiffs' claims occurred on I-95 North in Bryan County, Georgia, which falls within the Southern District of Georgia as defined in 28 U.S.C. § 90(c)(3), in

this Court's Savannah Division. Venue is proper in this Court under 28 U.S.C. § 1391(b)(2).

9.

Now, within thirty (30) days after service of the Summons and Complaint upon them, Defendants QFS, Amtrust and Wesco file this Petition for Removal of the Action to this Court.

10.

The Action is removable by reason of diversity of citizenship, there being more than \$75,000 in controversy, exclusive of interest and costs as required by 28 U.S.C. § 1332 (**this is a wrongful death action**), and because the plaintiffs, citizens of the State of Georgia, are both citizens of a different state from all defendants. *See Complaint*.

11.

Co-Defendants Tellado, Adonais, and Atlantic consent to this Removal per 28 USCA § 1446(B)(2)(a)

Wherefore, Defendants' Petition for Removal should be granted, and the Action removed to this Court.

/s/ William Allred

William Allred

Ga. Bar No. 000320

Elizabeth G. Howard

Ga. Bar No. 100118

Attorneys for Petitioners

Barrickman, Allred & Young, LLC

5775 Glenridge Dr., NE, Suite E-100

Atlanta, GA 30328

(404) 790-0123

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the within and foregoing **DEFENDANTS' PETITION FOR REMOVAL** with the Court's CM/ECF system, as prescribed by the Court to the following:

James N. Osteen, Jr., Esq.
Osteen Law Group, LLC
101 Fraser Street
Hinesville, GA 31313
jordan@osteenlaw.com
Attorney for Plaintiff

Craig R. White, Esq.
Skedsvold & White, LLC
6000 Lake Forrest Drive, NW, Ste 560
Atlanta, GA 30328
cwhite@sandw-law.com
Attorney for Defendant Atlantic Specialty Insurance Company

William Allred
Barrickman, Allred & Young, LLC
5775 Glenridge Dr, NE, Ste E-100
Atlanta, GA 30328
404-490-0123
wsa@bayatl.com
*Attorneys for Defendants QFS Transportation, LLC, Wesco Insurance Company,
Jose Tellado, Adonai Family Enterprises, LLC, AmTrust North America, Inc.*

This 7th day of May, 2021.

/s/William Allred

William Allred, # 000320

Elizabeth G. Howard, #100118

Counsel for Petitioners

BARRICKMAN, ALLRED & YOUNG, LLC

5775 Glenridge Dr, NE, Ste E-100

Atlanta, GA 30328

404-790-0123

wsa@bayatl.com